IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 826 of 1998

Between:

1. Smt. Rukmini Bai, W/o. Moolchand,
   R/o. 3-4-672, Narayanaguda, Hyderabad.

2. Mir Khursheed Ali Khan, S/o. Mir Humayum Ali Khan,
   R/o. 16-10-112, Malakpet, Hyderabad.

..... PETITIONERS

AND

1 Commissioner, Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.
2 Principal Secretary, Municipal Administration,
Government of A.P., Secretariat, Hyderabad.
3 Engineer-in-Chief , R & B Civil Supplies Bhavan,
Somajiguda, Hyderabad.
4 Vice Chairman, HUDA,
Paigah Palace, Police Line, Secunderabad.
5 Commissioner of police, Chatta Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly in the Nature of Writ of Mandamus or other appropriate Writ or Writs restraining the Respondents No. 1 to 5 and their subordinates from interfering with the peaceful possession and demolition of the petitioners premises bearing No. 3-4-672, Narayanaguda, Hyderabad & H.No. 3-4-676, Narayanaguda, Hyderabad, either in part or whole and further direct the Respondents No. 1 & 2 to follow the Mandatory provisions of HMC Act and land Acquisition Act.

Counsel for the Petitioners: MR.K.RAMA RAO

Counsel for the Respondents: MR.C.R.PRATAP REDDY (SC MCH, CIRCLE 3-

5)

The Court made the following :

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THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO: 826 of 1998

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ORDER:

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This writ petition is filed seeking a direction to the respondents to follow the mandatory provisions of Hyderabad Municipal Corporation Act and Land Acquisition Act before the alleged action of demolition of premises belonging to the petitioners 1 and 2 bearing H.Nos.3-4-672 and 3-4-676, Narayanguda, Hyderabad, either in part or whole.

It is submitted that the petitioners are the owners and possessors of the houses and their main grievance is that their premises are being sought to be acquired by the respondents for the purpose of erecting a fly over bridge without following due process of law as contemplated under the Hyderabad Municipal Corporation Act and the Land Acquisition Act, which is illegal and arbitrary.

While entertaining this writ petition, this Court, on 12.1.1998, granted stay of demolition of the premises of the petitioners until further orders. The respondents have not filed counter.

In these circumstances, this writ petition is disposed of with a direction to the respondents not to demolish the premises of the petitioners without following the due process of law in terms of the Hyderabad Municipal Corporation Act and the Land Acquisition Act. No costs.

9-12-2004

Gsn.

To

1 The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.
2 The Principal Secretary, Municipal Administration,
Government of A.P., Secretariat, Hyderabad.
3 Engineer- in -Chief , R & B Civil Supplies Bhavan,
Somajiguda, Hyderabad.
4 Vice Chairman, HUDA,
Paigah Palace, Police Line, Secunderabad.
5 The Commissioner of police,
Chatta Bazar, Hyderabad.

6 Two C.D.Copies.

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